

NAYS—none.

NOT VOTING—3.

Martin of Cooke, Ross, Patton.

Senator Duncan was next called, when he moved to take up Senate bill No. 52, entitled "An act to regulate the practice of medicine, surgery and pharmacy, and to repeal chapter 3 of the Penal Code." Adopted, and bill taken up and read third time.

Senator Lair offered the following amendment: Amend section 2 by adding the following:

Provided, that should the board have any doubt as to the qualification of such person, they may, in their discretion, examine him.

Adopted by the following vote:

YEAS—24.

Buchanan of Wood,	Hightower,	Rainey,
Burges,	Homan,	Shannon,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Stubbs,
Duncan,	Lane,	Swain,
Gooch,	Lightfoot,	Tilson,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Martin of Cooke, Ross.

Also, the following amendment: On page 6, line 3, after "provided" insert:

"Provided further, that should said board, or a majority thereof, be not convinced of the genuineness of the diploma of any applicant, or should they be not convinced that the holder of any diploma possesses the requisite qualifications, then an examination shall be had as in other cases."

Adopted by the following vote:

YEAS—23.

Buchanan of Wood,	Homan,	Stewart.
Burges,	Houston,	Stubbs,
Cooper,	Lair,	Swain,
Davenport,	Lane,	Tilson,
Duncan,	Lightfoot,	Weatherred,
Harris,	Patton,	Wynne,
Henderson,	Rainey,	Mr. President.
Hightower,	Shannon,	

NAYS—none.

NOT VOTING—3.

Martin of Cooke,

Powers,

Ross.

Bill passed.

Senator Harris being next on the list called up Senate bill No. 223, entitled "An act to regulate the appointment and define the duties of notaries public." Bill read second time.

Senator Tilson offered the following amendment: "Amend section 14 by inserting after the word 'county' the words 'or sick.'" Adopted, and bill ordered engrossed.

Senator Harris moved to suspend the rules and put the bill on its third reading. Adopted by the following vote:

YEAS—21.

Buchanan of Wood,	Homan,	Shannon,
Cooper,	Houston,	Stewart,
Davenport,	Lair,	Stubbs,
Gooch,	Lightfoot,	Swain,
Harris,	Powers,	Tilson,
Henderson,	Rainey,	Weatherred,
Hightower,	Ross,	Wynne.

NAYS—none.

NOT VOTING—5.

Burges,
Duncan,Lane,
Martin of Cooke,

Patton.

Bill read third time.

Senator Harris offered the following amendment: "After the word 'necessity, in section 16, insert the words, 'and an emergency.'" Adopted by the following vote:

YEAS—25.

Buchanan of Wood,	Homan,	Ross,
Burges,	Houston,	Shannon,
Cooper,	Lair,	Stewart,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Swain,
Gooch,	Patton,	Tilson,
Harris,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—none.

Bill passed by the following vote

YEAS—23.

Buchanan of Wood,	Houston,	Stewart,
Burges,	Lair,	Stubbs,
Davenport,	Lane,	Swain,
Duncan,	Lightfoot,	Tilson,
Harris,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne,
Hightower,	Ross,	Mr. President.
Homan,	Shannon,	

NAYS—none.

NOT VOTING—3.

Cooper,

Martin of Cooke,

Patton.

On motion of Senator Tilson, the Senate adjourned until 9:30 A. M. to-morrow.

FORTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, March 9, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by Rev. Dr. Bunting.

On motion of Senator Swain the reading of the journal of yesterday was dispensed with, and same adopted.

Senator Harris presented three petitions of citizens of Bell county, asking that a constitutional amendment be submitted to the people prohibiting the importation, manufacture and sale of intoxicating liquors in Texas. Referred to Committee on Constitutional Amendments.

Senator Stewart presented a memorial of the St. Johns Catholic Total Abstinence Society, asking for a prohibitory liquor law to be submitted to the people. Referred to Committee on Constitutional Amendments.

Senator Lane, chairman of Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 8, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance, to whom was referred Senate bill No. 253, entitled an "Act to relieve vendors of nurseries, tombstones, books, newspapers or printed matter, and manufacturers of breadstuffs, and their agents, from the payment of an occupation tax, as commercial travelers, drummers, salesmen or solicitors of trade," have had the same under consideration, and the committee instruct me to report the same back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 8, 1881.

Hon. L. J. Storey, President of the Senate:

Your Finance Committee, to whom was referred House bill No. 14, "An act to provide for the payment of the expenses of attached witnesses in felony cases," have had the same under consideration, and I am instructed by the committee to report said bill back to the Senate with the recommendation that it do not pass.

LANE, Chairman.

Bill read first time.

Senator Powers introduced a bill entitled "An act to carry into effect the third section of an act of the legislature of the State of Texas, entitled 'an act to relinquish

the right of the State to certain lands therein named,' approved February 10, 1852." Referred to Judiciary Committee No. 1.

Senator Cooper introduced a bill entitled "An act granting to persons who have been permanently disabled by reason of wounds received while in the service of the State or of the Confederate States, a land certificate of 1280 acres of land." Referred to Committee on State Affairs.

Senator Shannon offered the following resolution:

WHEREAS, the recent decennial census discloses the fact that the representation of the several sections of this State in the two branches of the Legislature is unequal and not in proportion to the population shown by said census; and,

WHEREAS, justice to the people who are not now accorded proper representation, as well as the best interests of the State, demand that a just and equal apportionment of the State be made at this session of the Legislature; therefore, be it

Resolved, That the committee on senatorial and representative apportionment be requested to make a report of its action at once.

Senator Terrell offered the following amendment: Strike out the words "at once" and insert in lieu thereof "as soon as practicable." Accepted, and resolution adopted.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, March 9, 1881.

To the Honorable Senate of the State of Texas:

Please add the names of W. H. Allen and D. G. Kellar to the list of notaries public for Kaufman county, and change the name of Deart to Dean in said list.

Respectfully submitted,

O. M. ROBERTS, Governor.

Also, substitute the name of J. B. Holt in the place of M. M. Brooks in the list of notaries of Hunt county.

Respectfully submitted,

O. M. ROBERTS, Governor.

The Senate went into executive session on the appointments of the Governor, contained in his message of yesterday.

IN SENATE.

On motion of Senator Homan, the results of the executive session were ordered to be entered on the journal, and the Governor informed of the same, as follows: The Senate advises and consents to all the nominations of notaries public by the Governor, excepting in cases where an error occurs in certain names therein.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 282, "An act to amend articles 1974, and to establish articles 1802a and 1822a of the Revised Civil Statutes of the State of Texas, concerning estates of deceased persons," have had the same under consideration, and a majority of your committee instruct me to report the bill back to the Senate and recommend that it do pass.

TERRELL, Chairman.

Bill read first time.

Senator Stubbs, by leave, presented a petition from many of the tax-payers and citizens of Brazoria county, asking that the criminal and civil jurisdiction of the county court of said county be restored, and giving good reason for the same." Referred to the Committee on State Affairs.

Senator Gooch, for Free Conference Committee, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 8, 1881.

Hon. L. J. Storey, President of the Senate:

Your committee on free conference have had under consideration the difference between the two houses on House bill No. 307, entitled "An act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters; to fix the rate of occupation tax upon all persons, firms or association of persons engaged in the sale of spirituous, vinous or malt liquors or medicated bitters; to define the manner

and time of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act," and after careful consideration have agreed to recommend, and do recommend, as follows:

1. That the Senate recede from its first amendment, increasing the bond from one to three thousand dollars.

2. That the House agree to the second amendment of the Senate, incorporating a condition into the bond relating to keeping minors out of houses where liquor is retailed.

3. That the fourth amendment of the Senate, relating to suits on the bond for the use of the county, be amended as follows: Add to it the following:

And, whenever the first or subsequent bond required is exhausted by suits at the instance of individuals, or for the use of the county, a new similar bond shall be given and approved before the dealer shall have the right to further pursue his occupation as a retail liquor dealer; or, in case a suit is pending on any such bond, and the county or district attorney shall make and file an affidavit with the clerk of the county court that he believes the bond of the defendant will be exhausted by said suit, the said clerk shall notify the liquor dealer thereof; and it shall be the duty of the retail liquor dealer, within twenty days from the time the bond is exhausted, or, in the other event within twenty days from the time the said notice is given, to give a new bond similar to the bond first given, to be approved in the same way; and until such new bond is given and approved, where it is required by this act, the retail liquor dealer shall not have the right to further pursue his occupation; and any person who shall pursue his said occupation, without giving a new bond as required by this act, shall be guilty of a misdemeanor, and on conviction shall be fined the same amount provided for in cases where no license has been obtained. And that, as thus amended, the said Senate amendment be concurred in.

Respectfully submitted,

JNO. YOUNG GOOCH, Chairman.

JAMES B. STUBBS,

ELLSBURY R. LANE,

R. M. WYNNE,

JNO. M. DUNCAN,

Senate Committee.

W. H. KING, Chairman,

J. E. McCOMB,

HARRY HAYNES,

J. N. ROACH,

C. L. WURZBACH,

House Committee.

On motion of Senator Gooch, the report was adopted.

Senate joint resolution No. 31, "proposing an amendment to article 16, section 20, of the Constitution of the State of Texas," was taken up and read third time.

Senator Stewart offered the following amendment:

The importation into and the manufacture or sale within this State of spirituous, vinous and malt liquors is prohibited, except that the Legislature may exempt pure alcohol for medical purposes only, and wine for sacramental purposes, from the provisions of this section, and the Legislature shall, at the first session after the adoption of this amendment, enact laws to carry out the provisions hereof.

Senator Swain moved a call of the Senate. Call sustained. Roll called. Absent, Senator Houston.

On motion of Senator Gooch, Senator Houston was excused by the following vote:

YEAS—26.

Buchanan of Grimes	Henderson,	Ross,
Buchanan of Wood,	Hightower,	Shannon,
Burges,	Homan,	Stewart,
Burton,	Lair,	Stubbs,
Cooper,	Lightfoot,	Swain,
Davenport,	Martin of Cooke,	Tilson,
Duncan,	Martin of Navarro,	Weathered,
Gooch,	Moore,	Wynne.
Harris,	Rainey,	

NAYS—3.

Lane,	Patton,	Terrell.
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NOT VOTING.

Powers.

Senator Homan moved the previous question on bill and amendment.

Motion withdrawn by consent, to give Senator Burton an opportunity to give his views on the bill.

Senator Burton moved the previous question on the resolution and amendment.

Motion seconded and main question ordered.

Senator Stewart's amendment adopted by the following vote:

YEAS—23.		
Buchanan of Grimes	Homan,	Shannon,
Buchanan of Wood,	Lair,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Tilson,
Duncan,	Moore,	Weatherred,
Harris,	Rainey,	Wynne.
Hightower,	Ross,	
NAYS—0.		
Burges,	Henderson,	Powers,
Gooch,	Lane,	Terrell.
NOT VOTING.		
Patton.		

Senators Terrell, Cooper and Tilson gave notice that they would enter their reasons for their vote on the pending bill and amendment in the journal.

Senate joint resolution, as amended, was adopted by the following vote:

YEAS—23.		
Buchanan of Grimes	Homan,	Shannon,
Buchanan of Wood,	Lair,	Stewart,
Burton,	Lightfoot,	Stubbs,
Cooper,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Tilson,
Duncan,	Moore,	Weatherred,
Harris,	Rainey,	Wynne.
Hightower,	Ross,	
NAYS—7.		
Burges,	Lane,	Powers,
Gooch,	Patton,	Terrell.
Henderson,		

Senator Homan moved to reconsider the vote just cast, adopting Senate joint resolution No. 31, and to lay that motion on the table. Adopted.

Senate bill No. 18, "An act regulating juries in capital cases," was taken up, and on motion of Senator Gooch, was postponed until the return of Senator Houston.

Substitute for Senate bill No. 27, "An act concerning factors and commission merchants," was taken up, substitute of Senator Stubbs pending.

On motion of Senator Stubbs, the substitute was ordered printed, in the usual form of printed bills instead of appearing in the journal.

Senator Wynne offered the following amendment to the substitute:

Amend by adding to section 1, the following:

And provided further, that should the original consignee or pledge of any such merchandise fail to settle with the owner for the market value of such merchandise, they shall both be liable to the owner thereof for the value of the same, with ten per cent damage thereon, to be recovered by suit in the county of the residence of such owner, before any court of competent jurisdiction.

Adopted.

Also, the following: Amend section 3 by adding the following:

Provided, that should any commission merchant, or other agent, entrusted with the possession of any bill of lading, custom house permit, or warehouse keeper's receipt, sell or otherwise dispose of the same without the authority of the owner, or who shall fail to account to such owner for the market value of the same, he shall be liable to the true owner thereof for the market value thereof, with ten per cent damages thereon, at the suit of the owner, which suit may be brought in the county of the owner's residence, before any court of competent jurisdiction.

Adopted, and substitute, as amended, adopted.

Senator Stubbs offered the following amendment: Amend by striking out the word "contrary," on page 3, line 12. Adopted.

Also, the following: Amend line 18, page 3, by inserting "than two" after the word "less." Adopted, and bill ordered engrossed by the following vote:

YEAS—18.		
Buchanan of Wood,	Homan,	Shannon,
Davenport,	Lane,	Stubbs,
Duncan,	Lightfoot,	Terrell,
Gooch,	Moore,	Tilson,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.
NAYS—7.		
Buchanan of Grimes,	Martin of Cooke,	Ross,
Burges,	Rainey,	Stewart.
Harris,		
NOT VOTING—5.		
Burton,	Lair,	Swain.
Cooper,	Martin of Navarro,	

House bill No. 223, "An act to amend sections 1 and 6 of 'an act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale,' passed at the special session of the Sixteenth Legislature," was taken up, read second time and passed to third reading.

A message was received from the House announcing the adoption of the report of the free conference committee on disagreements arising between the two houses on Senate amendments to House bill No. 307—"Liquor bill."

House bill No. 227, "An act to amend articles 3824 and 3825, title 79, of the Revised Statutes of the State of Texas, and to add thereto articles 3825a and 3825b, and to create Clay, Baylor, Wheeler and Oldham land districts," was taken up, read second time and passed to third reading.

House bill No. 309, "An act to amend sections 1, 2, 3, 4, 6, 7 and 8, of an act entitled 'an act to provide for the sale of alternate sections of land in organized counties, as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith, approved July 8, 1879,' and to provide for the sale of such lands in unorganized counties," was taken up and read second time, with report of committee.

Senator Martin of Cooke moved the adoption of the majority report.

Motion withdrawn, and, on motion of Senator Shannon, the bill was laid on the table, subject to call.

House bill No. 412, "An act authorizing and requiring owners of lands between the Nueces and Rio Grande rivers under grants or titles thereto from the former government, which were recorded in the respective counties before the adoption of the present Constitution, to deposit and archive the same in the General Land Office," was taken up and read second time, with committee amendments.

On motion of Senator Terrell, the report of the committee was adopted, and bill passed to third reading.

Senator Terrell moved to reconsider the vote just taken. Adopted.

Senator Powers offered the following amendment: Amend by adding an additional section:

The near approach of the close of the present session of the Legislature, and the fact that no provision exists for the relief herein provided to the owners of the said titles, creates an imperative public necessity for the suspension of the constitutional rule, which requires that all bills be read on three different days be suspended, and the said rule is suspended, and an emergency exists, and it is enacted that this act shall take effect from and after its passage.

Adopted, and bill passed to third reading.

On motion of Senator Powers, the rules were suspended, and bill put on its third reading by the following vote:

YEAS—24.		
Cooper,	Davenport,	Duncan,

Gooch, Harris, Henderson, Hightower, Homan, Lair, Lane,	Lightfoot, Martin of Navarro, Moore, Powers, Rainey, Ross, Shannon, NAYS—none. NOT VOTING—6.	Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
Buchanan of Grimes, Buchanan of Wood, Bill read third time and passed by the following vote:	Burges, Burton, YEAS—20.	Martin of Cooke, Patton.
Buchanan of Grimes, Burges, Cooper, Davenport, Duncan, Gooch, Harris, Henderson, Hightower,	Homan, Lair, Lane, Lightfoot, Martin of Navarro, McGore, Powers, Rainey, Ross, NAYS—none. NOT VOTING—4.	Shannon, Stewart, Stubbs, Swain, Terrell, Tilson, Weatherred, Wynne.
Buchanan of Wood, Burton,	Martin of Cooke, Patton.	

A message was received from the House announcing that said body refuses to concur in Senate amendments to House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 5 of the Code of Criminal Procedure, adopted February 21, 1879."

Senator Lane moved that said bill be taken up; that the Senate refuse to recede from its amendment, and that a free conference committee be appointed to reconsider the same. Adopted.

Senator Burges, by leave, introduced a bill entitled "An act for the relief of Wm. M. Harrison and L. A. Ellis." Read by caption and referred to Committee on Finance.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 2, "An act to repeal article 2234 of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature," and find the same correctly enrolled and properly signed, and on this March 9, 1881, at 12:40 o'clock p. m., presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,
AUSTIN, March 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 44, "An act to amend article 375, chapter 4, of title 17, of Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over streets, alleys and public grounds," and find the same correctly enrolled and properly signed, and at 12:40 o'clock p. m. on this day presented the same to the Governor for his signature.

COOPER, Chairman.

The President, after reading its caption, signed Senate bill No. 2, "An act to amend chapter 116 of the General Laws of 1879, entitled 'an act to define in what civil cases depositions of witnesses may be taken.'"

Also, Senate bill No. 44, "An act to amend article 375, chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, relating to the powers of the councils of cities and towns over streets, alleys and public grounds."

Senator Terrell, rising to a question of privilege, stated that the publication in the News of the fifth, "that a memorial from the officers and members of the Grand Lodge of Odd Fellows, asking a prohibitory liquor law," was without authority under any action of the Grand Lodge,

sig. 35.

as shown by a certificate, which he presented signed by the Grand Secretary; nor was Senator Swain, or the accurate correspondent of the Galveston News to blame—for Senator Swain endorsed the memorial as one sent by those officials as citizens, though the signatures of the grand master and grand warden showed they had signed the paper officially. He stated that among the cardinal doctrines of Odd Fellowship, which was founded in the loftiest humanity, is prohibition, not against liquor, but against ever perverting the order to politics or sectarian religion.

The President, ever reading its caption, signed House bill No. 424, "An act to authorize and require the Commissioner of the General Land Office to issue a certificate for one league of land to the heirs of Moses Herrin."

Senator Tilson presented the following as his reasons for voting aye on Senate joint resolution No. 31, prohibiting the manufacture, sale, etc., of spirituous, vinous and malt liquors in the State of Texas:

While I have grave doubts as to the policy of the passage of this joint resolution, I vote aye, because I believe a large body of the people of Texas desire that this proposition be submitted to them, and I think it right to give them the benefit of the doubt.

TILSON.

Senator Terrell presented the following as his reasons for voting against the joint resolution just referred to:

I will not encumber the record with much, but wish to give some reasons for voting against the amendment. It reads as follows:

"The importation into and the manufacture and sale within this State of spirituous, vinous and malt liquors, is prohibited; except that the Legislature may exempt pure alcohol, to be used for medicinal purposes only, and wine for sacramental purposes, from the provisions of this section; and the Legislature shall, at its first session after the adoption of this amendment, enact laws to carry out the provisions hereof."

It will be seen that if the amendment is adopted at a special election next August, no Christian could purchase drop of wine for sacramental purposes, without making the seller violate the highest law in the land (the Constitution,) until the Legislature should meet, two years afterwards, and permit the purchase.

2. But beyond this, I was elected on no issue involving the passage of such an amendment, and, as I read the Constitution, I must act here on my individual judgement, unless I was elected on a prohibition issue. That Constitution requires two-thirds of both houses of the Legislature to approve an amendment before its submission to the people. If, when we are not elected on an issue proposing constitutional change, we surrender our judgments, and vote as inspired by memorials, the Constitution becomes a rope of sand to be changed under any popular excitement.

3. While I would aid in any legislation that will tend, under a well-regulated license system, to check the evil of intemperance, I see nothing but failure in a law of prohibition that will never prohibit.

4. Finally, I am opposed to all sumptuary laws of any character. When governments begin to prohibit to man the right to determine what he shall eat, drink or wear, it will end, if not checked, by its invasion of domestic life, and prescribing the forms of prayer.

A. W. TERRELL.

Senator Homan presented following as his reasons for voting for said resolution:

Protesting against the practice of using the journal of the Senate to publish an argument at the expense of the State, under the guise of "reasons" for a vote cast, I state that I voted for the proposition to amend the Constitution so as to prohibit the importation, manufacture and sale of intoxicating liquors, because I believed it was right to do so.

Unlike the Senator from Travis, I was elected on issues involving the passage of this amendment. I promised to legislate solely for the good of the people, and I should have been recreant to my trust had I voted against the resolution. I voted for it the more cheerfully because over one hundred thousand of the people of the State of Texas asked me by petition to do so.

The highest courts in the land, including the Supreme Court of the United States, have decided that a prohibitory law is in no sense a sumptuary law, but is a valid exercise of the police power of the State for the prevention of disease, pauperism and crime.

The official statistics, and the testimony of Governors and other officers of high authority in States having prohibitory laws, unite to the effect that such laws are highly beneficial, and are enforced and observed equally as well as other laws.

As this amendment must be put in force by the Legislature, Christians will have no trouble in obtaining what wine they may need between the time of ratification by the people and the meeting of the Legislature, especially as that body will doubtless be convened in extra session at an early date, to enact laws to enforce the amendment. It doesn't require much wine to run a Christian, anyhow.

W. K. HOMAN.

Senator Duncan moved to adjourn until 9 o'clock A. M. tomorrow.

Senator Burton moved to adjourn until 9:30 o'clock tomorrow.

The latter motion, under the rules, was adopted by the following vote :

YEAS—16.		
Burges,	Moore,	Stewart,
Burton,	Patton,	Stubbs,
Cooper,	Powers,	Terrell,
Davenport,	Rainey,	Tilson.
Duncan,	Ross,	
Lair,	Shannon,	
NAYS—12.		
Buchanan of Grimes,	Henderson,	Martin of Navarro,
Buchanan of Wood,	Hightower,	Swain,
Gooch,	Lane,	Weatherred,
Harris,	Lightfoot,	Wynne.
NOT VOTING—2.		
Homan,	Martin of Cooke.	

FIFTIETH DAY.

SENATE CHAMBER,
AUSTIN, March 10, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Lightfoot, the reading of the journal of yesterday was dispensed with, and the same adopted.

A message was received from the House announcing the passage of House bill No. 565, "An act to release certain inhabitants in the town of Savoy, county of Fannin, from the payment of taxes assessed and now due for the year A. D. 1880, in consequence of a great calamity." Referred to Committee on Finance.

Also, House bill No. 320, "An act to provide for the mode and manner of conducting proceedings in cases of contested elections, and creating tribunals for that purpose, and to repeal articles 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, chapter 6, title 34, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' adopted February 21, 1879." Referred to the Committee on Privileges and Elections.

Also, House bill No. 570, "An act to authorize and empower the Treasurer, with the advice and consent of the Governor and Comptroller, to use surplus moneys that may be at any time in the State Treasury belonging to the general fund for the purchase and retirement of outstanding bonds of the State." Referred to the Committee on Finance.

Also, House bill No. 521, "An act to provide for the organization of the State penitentiaries, and for the more efficient management of the same." Referred to Committee on Penitentiaries.

Also, Senate bill No. 152, "An act to amend title 11, chapter 1, article 246, of the Revised Civil Statutes of Texas, adopted February 21, 1879."

On motion of Senator Homan, Senator Moore was excused on account of sickness.

Senator Homan presented a petition of citizens of Hays

county, asking for a prohibitory liquor law. Referred to Committee on Constitutional Amendments.

Senator Buchanan of Grimes, presented two petitions of citizens of Walker county, asking that the civil and criminal jurisdiction of the county court of said county be diminished. Referred to Committee on State Affairs.

Senator Buchanan of Grimes, chairman of the Committee on Insurance, Statistics and History, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 10, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Insurance, Statistics and History, to whom was referred the accompanying Senate bill No. 254, have considered the same, and they instruct me to report the following amendments to said bill: 1. Insert after the caption the following:

Section 1. *Be it enacted by the Legislature of the State of Texas, That* chapter 3, title 53, of "An act to adopt and establish the Revised Civil Statutes of the State of Texas, passed February 28, 1879," be amended by adding another article thereto, numbered article 2972, which shall read as follows:

2. Amend by adding to said article 2972 the following: "Provided, that this act shall not include 'Knights of Honor,' or 'Knights and Ladies of Honor,' Knights of Pythias, Odd Fellows Free Masons or other secret or benevolent institutions who are not engaged in insurance for the purpose of profit or gain," and to recommend that said bill, with said amendments, do pass.

BUCHANAN OF GRIMES, Chairman.

Bill read first time with amendments.

Senator Shannon, chairman of Committee on Internal Improvements, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 9, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Internal Improvements have had under consideration Senate bill No. 247, entitled "An act to further regulate railroads and railroad companies; to prescribe the powers and duties of the Governor in connection therewith, and the duties, penalties and liabilities of railroad companies and their employees; to prescribe maximum rates, and to make an appropriation to carry this act and the railroad law of this State into effect," and instruct me to report it back to the Senate with the accompanying amendments, and as amended, to recommend that it do pass.

First amendment—Strike out the caption and insert: "An act to amend chapter 10, title 84, of 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed by the Sixteenth Legislature, and by adding thereto articles 4258a, 4258b, 4258c, 4258d, 4258e, 4258f, 4258g, 4158h, 4258i, 4258j, relating to railroads, and to make an appropriation to carry this act and the railroad law of the State into effect."

Second amendment—Amend section 1 by inserting in line 1, after the word "Texas," the following: That chapter 10, title 84, of "An act to adopt and establish the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature," shall be amended by adding thereto the following articles, which shall read as follows:

Third amendment—Strike out, in section 1, all after the enacting clause, and insert: "Article 4258a. The Governor shall appoint a State engineer, who shall be scientifically educated in civil engineering, and who shall hold his office for two years from the date of his appointment, and receive an annual salary of twenty-five hundred dollars. He shall perform such duties as may be prescribed by law or by the Governor, and may be removed by the Governor."

Fourth amendment—Strike out the words "section 2," and insert the words "article 4258b," in page 1, line 6.

Fifth amendment—On line 10, page 1, strike out the words "section 3," and insert "article 4258c."

Sixth amendment—On line 5, page 2, strike out the words "section 4," and insert "article 4258d."

Seventh amendment—On page 2, line 20, strike out the words "or employee," and the words after the words "any railroad company," down to and including the words "enabled to do so," in line 22.

Eighth amendment—On page 2, line 24, after the word "Governor," insert "the same being within the scope of his duty."

Ninth amendment—On page 2, line 25, after the word "conviction," insert "upon indictment, found and presented in the District Court of Travis county, which county shall have jurisdiction thereof."

Tenth amendment—On page 2, lines 30 and 31, strike out each of the lines, and insert "4258e. Any conductor or other officer having charge or control of a train, who shall aid in."

Eleventh amendment—On page 3, line 2, strike out the words "they have been notified," and insert "notice given to the president,